

United States District Court

FILED

JUN 27 2008

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

v.

ANNE-MARIE KIVINEN

(Name and Address of Defendant)

Venue: SAN FRANCISCO

ORIGINAL

CRIMINAL COMPLAINT

CASE NUMBER: 3 08 70390

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BZ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief: On or about June 23, 2008, in San Mateo County, in the Northern District of California, and the special aircraft jurisdiction of the United States, the defendant did assault and intimidate a flight crew member or flight attendant of the aircraft, and interfered with the performance of the duties of the member or attendant and lessened the ability of the member or attendant to perform those duties on board, in violation of Title 49 United States Code, Section 46504, Interference With Flight Crew Members and Attendants.

I further state that I am a Special Agent and that this complaint is based on the following facts:

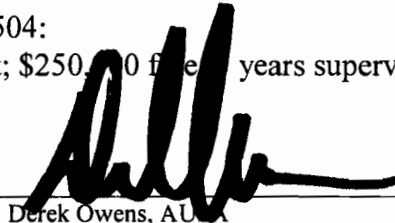
**See attached Affidavit in Support of Criminal Complaint**

Maximum Penalties:

Title 49 USC Section 46504:

20 years of imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment fee.

APPROVED AS TO FORM:

  
Derek Owens, AUSA

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Arrest Warrant Requested: ☒ Yes ☐ No

Bail Amount: No Bail

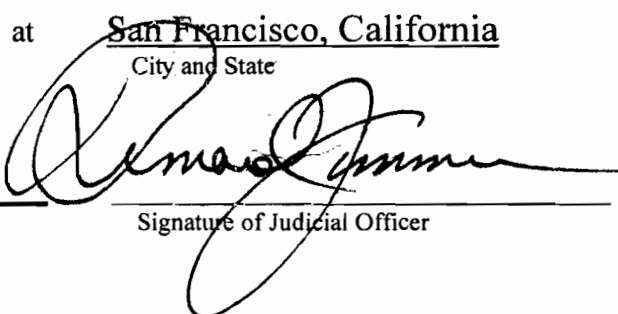
  
Signature of Complainant, Peter F. Adduchi

Sworn to before me and subscribed in my presence,

June 27, 2008  
Date

at San Francisco, California  
City and State

**Bernard Zimmerman**  
**United States Magistrate Judge**  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT )  
 )  
NORTHERN DISTRICT OF CALIFORNIA ) ss. AFFIDAVIT

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT  
CHARGING ANNE-MARIE KIVINEN,  
WITH VIOLATING 49 U.S.C. § 46504,  
INTERFERENCE WITH FLIGHT CREW  
MEMBERS AND ATTENDANTS

I, Peter F. Adduci, being duly sworn, depose and state:

### ***Affiant Background***

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") and my primary assignment includes the investigation of violent crimes and crimes aboard aircraft, along with the investigation of bank robbery matters. I have been a Special Agent since June 1999.

### *Purpose of Affidavit*

2. This affidavit establishes probable cause to arrest ANNE-MARIE KIVINEN for assaulting a federal officer, in violation of 49 U.S.C. § 46504, when she interfered with a flight crew onboard Virgin Atlantic flight number 19 from London, England to San Francisco, California, in the Special Air Craft Jurisdiction of the United States on June 23, 2008.

4. This affidavit is based in part upon my personal knowledge, interviews, and the review of various records and documents obtained during this investigation. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation.

### *Relevant Statute*

5. Title 49 U.S.C. § 46504 was in full force and effect throughout the period of this investigation. Title 49 U.S.C. § 46504 states: “An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both.”

***Facts Supporting Probable Cause***

6. On or about June 23, 2008, ANNE-MARIE KIVINEN ("KIVINEN") was a ticketed passenger onboard Virgin Atlantic ("VA") flight number 19 from London, England, to San Francisco, California, seated in seat 12K. A female passenger in seat 14A, hereinafter referred to as Witness 1 ("W1"), noticed that KIVINEN appeared to be looking at her over the partition that divided the seats in the "upper class" section and yelling at her. KIVINEN then got up and went toward W1's seat, screaming in a language that W1 did not understand. KIVINEN reached W1 and attempted to grab her water bottle and throw it at W1. However, W1 pushed KIVINEN's hands away and KIVINEN then walked quickly away from W1 cursing in a mixture of English and Finnish.

7. The incident was reported to a flight attendant ("FA1") who was assigned to work the "upper class" galley. FA1 then told the Customer Service Manager ("FA2"), about the incident and they attempted to locate KIVINEN. They found her near the bar in the upper class section talking with her fiancé ("JOHN"). FA2 then approached JOHN and told him about the incident and requested that he talk to her and calm her down. At that point, JOHN took KIVINEN to an area near the exit door to talk to her.

8. FA1, FA2, FA3, FA4, and FA 5 then observed the interaction between KIVINEN and JOHN. According to the flight attendants, KIVINEN reacted violently to attempts by her fiance to calm her down. She started to flail her hands and shout, "Keep your hands off me!", and "Don't fucking touch me." KIVINEN attempted to head-butt JOHN and repeatedly kicked and head-butted the exit door, and then hit JOHN in the mid-section. During this violent episode, KIVINEN was screaming and shouting uncontrollably. KIVINEN then fell into the exit door, rested her arm on the door handle, and sat on the compartment that held the emergency ramp.

9. At that point, FA2 and FA5 notified the Pilot and made the decision to restrain KIVINEN. The Pilot, who had just started his mandatory three-hour break returned to the flight deck. The pilot is required to be on duty on the flight deck while restraints are applied to an unruly passenger in the event the flight was required to be diverted. In this case, the Pilot told the officers on the flight deck to get out the diversion charts in case they would have to divert the flight from the original flight plan to the nearest international airport. The Pilot advised that for the remainder of the flight he stayed on the flight deck and called for a status report on KIVINEN every ten or fifteen minutes. The Pilot was precluded from taking his mandatory three-hour break for the rest of the flight.

10. KIVINEN was lead to a seat where she was restrained with a torso belt, lap belt and leg restraints. FA6 took a seat next to her to assure safety. KIVINEN was loud and belligerent and struggled against the restraints. Her fiance attempted to calm KIVINEN, however once she saw him she became loud, belligerent, abusive and confrontational toward him. According to FA2, once the restraints are applied, they are



required to remain in place until the aircraft has landed. The passenger is then removed from the restraints by local law enforcement and escorted off the aircraft.

11. Approximately 45 minutes after the restraints were initially applied to KIVINEN, she was able to get her hands and feet free. As FA1, FA2, FA3, and FA5 attempted to re-apply the restraints, KIVINEN was flailing her arms and kicking with her legs. KIVINEN stepped on FA2's hand and ground the ball of her foot on top of his hand. FA2 and FA5 described this action as intentional and an obvious attempt to hurt FA2. While FA6 was standing by to assist, KIVINEN kicked her in the shin. KIVINEN also attempting to bite the FA's as they attempted to re-apply the restraints.

12. After restraints were re-applied to KIVINEN again, she was watched by two FA's. Both sat next to her. KIVINEN was given water to drink, but not allowed to get out of the seat. A total of eight different FA's took turns sitting with KIVINEN to ensure she was okay and would not pass out or suffocate. The flight attendants could not perform their required duties because they had to sit with KIVINEN for the entire remainder of the flight and through the landing in San Francisco.

13. Even after KIVINEN was restrained, she continued to scream profanities such as "Blond Bitch" and "Fucking whores" at the FA's seated near her. Her violent outbursts disturbed the passengers seated around her and also frightened children seated in the upper class cabin. One child had to be moved away due to KIVINEN's uncontrollable outbursts.

14. At approximately 12:30 p.m., on June 23, 2008, I was advised by the Federal Bureau of Investigation (FBI) Civil Aviation Security Program (CASP) at FBI Headquarters in Washington D.C. that the VA flight was landing at SFO at 2:00 p.m., and had a passenger that had to be restrained during the flight due to her hostile, abusive, and violent behavior. I contacted the San Francisco Police Department Airport Bureau (SFPD), Federal Air Marshals Service, and Immigration and Customs Enforcement at SFO and notified them of the inbound flight with the problem passenger.


15. Shortly after I boarded the aircraft, I saw KIVINEN being escorted off the aircraft by SFPD Airport Bureau Officers in handcuffs. I interviewed the flight attendants, the Pilot, and six passengers, including KIVINEN's fiancé (JOHN). After I completed some interviews, I could still hear KIVINEN yelling and screaming, and banging on the walls of the holding cell in Secondary Inspection Area of the International Terminal.

### ***Conclusion***

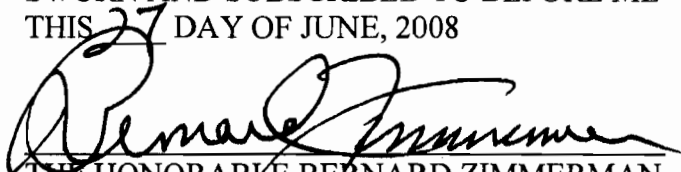
16. Based on the facts and information detailed in the affidavit, I believe probable cause exists that on June 23, 2008, ANNE-MARIE KIVINEN, a passenger in the special aircraft jurisdiction of the United States, did assault and intimidate a flight crew member or flight attendant of the aircraft, and interfered with the performance of the duties of the member or attendant and lessened the ability of the member or attendant

to perform those duties on board VIRGIN ATLANTIC flight number 19, in violation of Title 49, United States Code, Section 46504.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Peter F. Adduci, Special Agent  
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME  
THIS 27 DAY OF JUNE, 2008

  
\_\_\_\_\_  
THE HONORABLE BERNARD ZIMMERMAN  
United States Magistrate Judge  
Northern District of California